

1 JOSEPH P. RUSSONIELLO, CSBN 44332

United States Attorney

2 JOANN M. SWANSON, CSBN 88143

Chief, Civil Division

3 EDWARD A. OLSEN, CSBN 214150

Assistant United States Attorney

4

450 Golden Gate Avenue, Box 36055

5 San Francisco, California 94102

6 Telephone: (415) 436-6915

FAX: (415) 436-6927

7 Attorneys for Defendants

8

9 UNITED STATES DISTRICT COURT

10

NORTHERN DISTRICT OF CALIFORNIA

11

SAN FRANCISCO DIVISION

12

JIANLIANG ZHU,

) No. C 08-0304 JCS

Plaintiff,

)

13

v.

)

14

MICHAEL CHERTOFF, Secretary of the

) STIPULATION TO EXTEND DATE OF
CASE MANAGEMENT CONFERENCE;
and [PROPOSED] ORDER

15

Department of Homeland Security;

)

16

CHRISTINA POULOS, Director,

)

17

California Service Center, U.S.C.I.S.;

)

18

CONDOLEEZZA RICE, Secretary of State,

)

Defendants.

)

19 Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys
20 of record, hereby stipulate, subject to the approval of the Court, to the following:

21

1. Plaintiff filed this action on January 16, 2007, asking this Court to direct the United States
22 Citizenship and Immigration Services (USCIS) to adjudicate his I-824 Application (Application
23 For Action On An Approved Application or Petition) and the Department of State to issue an
24 immigrant visa to his son.

25

2. The USCIS approved the plaintiff's I-824 application on March 5, 2008.

26

3. On March 24, 2008, this Court approved the parties' stipulation to extend the answer
deadline to April 11, 2008, and to extend the date of the case management conference to May 9,
28 2008.

STIPULATION TO EXTEND DATE OF CMC; AND PROPOSED ORDER

C 08-0304 JCS

1 4. On April 4, 2008, this Court approved the parties' stipulation to extend the answer date, the
 2 ADR date, the joint case management date, and the case management conference date, in light of
 3 the fact that USCIS had recently forwarded the approved I-824 to the Department of State's
 4 National Visa Center, which is the first step in the process of issuing a visa.

5 5. The approved I-824 has recently been routed to the American Consulate in Guangzhou,
 6 China, for processing of the visa application.

7 6. The American Consulate in Guangzhou stated that it would begin processing the visa
 8 application once the applicant provides a name, date and place of birth, and Chinese mailing
 9 address.

10 7. The American Consulate in Guangzhou stated that, although the statutory quota for
 11 employment-based third preference applicant (EB-3) has been filled this year and a visa could not
 12 be issued in this case until October 1, 2008, the consulate would begin processing the case after
 13 the plaintiffs submitted the information referred to in paragraph six.

14 8. In light of the information set forth above, the parties asked this Court to hold this case in
 15 abeyance for four months, in light of the reasonable possibility that this case may be
 16 administratively resolved in the interim.

17 9. This Court granted the parties' request for a continuance on July 21, 2008, and scheduled a
 18 case management conference for November 14, 2008.

19 10. On November 10, 2008, the parties filed a second stipulation to extend the date of the case
 20 management conference, stating that the attorney for the State Department who was able to
 21 provide information as to whether or not a visa has been issued was temporarily out of the office
 22 due to a death in the family.

23 11. This Court granted the parties' request for a second continuance on November 13, 2008,
 24 and scheduled a case management conference for December 19, 2008.

25 12. The parties then informed the Court that State Department had recently indicated that the
 26 consulate would schedule an interview of the applicant when his priority date is current and the
 27 parties were discussing what his priority date is and/or should be.

28 13. In light of the reasonable possibility that the parties would be able to administratively

1 resolve this case, the parties asked this Court to yet again extend the case management conference
2 by one month.

3 14. This Court approved the parties' joint request to yet again extend the case management
4 conference by one month and re-scheduled the case management conference for January 30, 2009,
5 at 1:30 p.m.

6 15. Counsel for the government has today been informed today that efforts are now being
7 made to schedule an interview appointment for the beneficiary at the American Consulate in
8 Guangzhou.

9 16. In light of this recent development, the parties again ask this Court to extend the date of
10 the case management conference by one month, from January 30, 2009, **to February 27, 2009, at**
11 **1:30 p.m.**

12 17. The parties recognize that they have asked for numerous extensions of the case
13 management conference and appreciate the Court's patience in this matter as they attempt to
14 administratively resolve the case. If the case is not administratively resolved within a month, the
15 parties will file a joint case management statement at least seven days in advance of the case
16 management conference.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Date: January 23, 2009

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
United States Attorney

3 /s/
4 EDWARD A. OLSEN
5 Assistant United States Attorney
Attorneys for Defendants

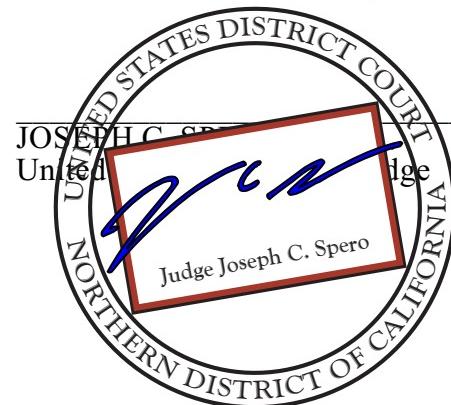
6 Date: January 23, 2009

7 /s/
8 JUSTIN X. WANG
9 Attorney for Plaintiff

10 **ORDER**

11 Pursuant to stipulation, IT IS SO ORDERED that the date of the case management
conference in the above-entitled matter is re-scheduled to **February 27, 2009, at 1:30 p.m.**

12 Date: Jan. 23, 2009



20
21
22
23
24
25
26
27
28